

COUNTY OF SAN DIEGO ADMINISTRATIVE MANUAL

SUBJECT: SELECTION PROCESS APPEALS

ITEM
NUMBER **0080-04-12**

EFFECTIVE DATE: SEPTEMBER 17, 1998 (REVISED)

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Purpose

To provide for a timely and orderly method for the Commission to process selection process appeals.

Background

1. Civil Service Rule 10.1 provides for the right of appeal as follows:
 - A. An affected applicant or employee may appeal to the Commission any component of the selection process or any determination of the Director relating to the selection process and may be granted a hearing subject to the conditions contained within section 10.4. This could include, but is not limited to, the establishment of job qualifications, the examination procedures, the certification process, and the appointing authority's selection process.
2. Rule 10.2 describes the request for hearing as follows:
 - A. After filing a complaint with the Director (Rule II and Rule III) about any part of the selection process and the Director having made a determination, an applicant or employee may file an appeal with the Civil Service Commission. This would not preclude an appeal to the Commission relating to the appointing authority's selection process.
 - B. The applicant or employee must file a 'Petition to Appeal Selection Process' form with the Commission within fifteen (15) days from the date of the receipt of notification from the Director or the appointing authority of the action being appealed.

Procedure

1. The "Petition to Appeal Selection Process" form will normally be furnished to the petitioner by DHR following their denial of request. However, forms may also be obtained from the Commission Office.
2. The petitioner must adhere to the filing deadlines within Rules II, III and X.
3. The Commission may, at its discretion, grant a hearing or make its decision based on the merits of the parties concerned and the Commission staff.
4. Normally, the Commission will, within 2 weeks from the filing of appeal, set a date for hearing.
5. The Commission may, pending conduct of hearing, order an examination held in abeyance until a final decision is made.
6. Appeals filed after the specified time period will not be considered by the Commission.

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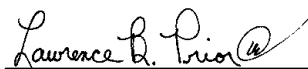
7. Appeals may be considered on all aspects of the selection process, including failure on background checks, rating of applications, etc. However, the Commission reserves the right to conduct investigations rather than hearings whenever legally possible.
8. The Commission also reserves the right to conduct hearings on less complicated matters in public session rather than assign individual hearing officers. When public session hearings are conducted, appellants are encouraged to submit all of their evidence in advance for Commission review, and the Executive Officer is authorized to conduct a full administrative investigation with input and recommendation to the Commission prior to hearing date. The objective of this process is to provide Commissioners with as much background information as possible before the Commission meeting so that less time will be needed during the hearing in open session.
9. In cases where the Commission appoints one of its members to conduct a hearing, the session will be tape recorded, but will be relatively informal with no court reporter and usually no County Counsel representation for the hearing officer. The appellant and department representatives will be sworn in and given an opportunity to state their positions. Cross examination by both parties will be permitted.
10. At the conclusion of the hearing, the hearing officer will present the findings at a public Commission meeting.
11. The decision of the Commission shall be final and there will be no reconsideration.

Approved



GORDON L. AUSTIN, President
Civil Service Commission

Approved



LAWRENCE B. PRIOR III
Chief Administrative Officer